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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE:

KAMURAN CORTUK,

Debtor.

:
: Appeal from Order Entered by the
: United States Bankruptcy Court for
: the District of New Jersey in
: Case No. 17-34019-CMG
:

KAMURAN CORTUK, SERKAN
CORTUK AND YESIM SAKARYA,

Appellants,

v.

MARINA CORNELIA SAITA,
FOREIGN REPRESENTATIVE OF
THE BANKRUPTCY ESTATE OF
BANCA TURCO ROMANA,

Appellees.

Civil Action No. 3:18-cv-02626-BRM

:
:
: Honorable Brian R. Martinotti
:
:

APPELLEE'S APPLICATION TO SUPPLEMENT APPELLATE RECORD

Marina Cornelia Saita (the "Appellee"), the foreign representative of the bankruptcy estate of Banca Turco Romana SA ("BTR"), recognized in that certain Chapter 15 case pending as Case No. 17-12995-AJC (the "Chapter 15 Case") in the United States Bankruptcy Court for

the Southern District of Florida, hereby files this *Appellee's Application to Supplement Appellate Record* (the "Application"), pursuant to Federal Rule of Bankruptcy Procedure 8009(3). In support of this Application, Appellee respectfully states as follows:

I. RELEVANT FACTS

1. On February 15, 2018, the United States Bankruptcy Court entered orders (the "Orders," as amended by Amended Consent Order) granting stay relief for Appellee to continue proceedings in the United Kingdom and Switzerland. No. 17-34019; DEs 45, 46 & 52.

2. Appellants filed their Designation of Record on Appeal on March 9, 2018. No. 17-34019; DE 69. Appellee filed a Cross Designation of Record on Appeal on March 20, 2018. No. 17-34019; DE 74.

3. On March 29, the Bankruptcy Clerk filed its notification of Transmittal of Record on Appeal to U.S. District Court.

4. After the appellate record was transmitted by the Bankruptcy Court, this Court granted Appellants' Petition to Supplement the Appellate Record. DE 15. The documents included in the record are (i) an Order from the UK Court overseeing proceedings of Kamuran Cortuk and Serkan Cortuk, and (ii) an audio recording of the April 30, 2018 Meeting of Creditors. DE 15.

5. Appellants' filed their Initial Brief on May 29, 2018. DE 16. The Initial Brief raises issues relating to proceedings involving the Debtor in Switzerland and before the European Court of Human Rights. DE 16.

II. RELIEF REQUESTED

6. Pursuant to Fed. R. Bankr. P. 8009(e)(3), Appellant respectfully requests that the following documents be included in the appellate record:

- a. The Order entered by the Civil Court of Geneva in Case No. c/4402/17 ordering the seizure of assets of Kamuran Cortuk (the “Swiss Order”), attached as **Exhibit “A”**;
- b. The Ruling entered by the European Court of Human Rights in the Application of Kamuran Cortuk, under Application No. 75178/12 (the “ECHR Order”), attached as **Exhibit “B”**; and
- c. The transcript of the audio recording from the April 30, 2018, Meeting of Creditors (the “341 Transcript”), attached as **Exhibit “C”**.

7. Under Federal Rule of Bankruptcy Procedure 8009(e)(3), Appellee may request leave from this Court for inclusion of additional documents in the appellate record. (“All other questions as to the form and content of the record must be presented to the court where the appeal is pending.”).

8. The Swiss Order and ECHR Order presented for inclusion are necessary for this Court to obtain a complete record for appellate review as these documents address factual contentions made by Appellants and present evidence regarding the same. The 341 Transcript is the transcript of the audio recording provided by Appellants in their request and will complement the audio recording.

WHEREFORE, Appellee respectfully requests that the Court enter an order including the proposed documents, as provided in **Exhibits “A”, “B” and “C”** as part of the appellate record.

Dated: July 27, 2018

Respectfully submitted,

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